

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-12 are pending in the application. Claims 1 and 3-4 have been amended only to improve claim language. Claim 5 has been rewritten in independent form including all limitations of amended claim 1. Claims 6-12 have been added to provide Applicants with the scope of protection to which they are believed entitled. The specification has been revised to correct apparent typographical errors. No new matter has been introduced through the foregoing amendments.

The drawing objections manifested in paragraphs 2 and 3 of the Office Action all believed overcome in view of the above amendments. Namely, reference sign "30" in page 13, line 14 of the specification has been changed to -- 31-- to be consistent with FIG. 6. Reference sign 30 is originally found in page 12, line 8 and page 13, line 11 of the specification and FIG. 5. No drawing correction is required. However, if the Examiner maintains that a proposed drawing correction is required, the Examiner is requested to *immediately* call the undersigned so that a drawing correction may be timely submitted, avoiding a holding of abandonment of the instant application.

The objections to the specification and claim 1 as well as the *35 U.S.C. 112, second paragraph* rejection of claim 3 are believed overcome in view of the above amendments.

The art rejections of claims 1-5 as being anticipated by or obvious over either of U.S. Patent No. 5,998,038 (*Shibatani*) or JP 03-028859 (*JP '859*) are noted. Basically, the Examiner argues that the printed products of the applied references *inherently* include the "toner" features of the claimed printed non-woven sheet because the same printing method is used to print images or patterns on the same material.

Applicants respectfully disagree because printed products made by the printing methods of the prior art references do not *necessarily* possess the characteristics of the claimed product, i.e., the feature of original claim 1 that “said toner has having an outer layer slightly permeating said fibrous nonwoven sheet through a surface thereof and deposited around fibers lying in a vicinity of said surface of said fibrous nonwoven sheet, and an inner layer deposited around fibers immediately underlying said surface,” which remains in amended claim 1 in slightly modified form.

With respect to *Shibatani*, the reference’s process includes a step of *heating* the patterned toner to form a *film* prior to transferring the toner/film to a destination surface. See column 3, line 3 and column 8, line 18 of *Shibatani*. Apparently, the *Shibatani* technology which applies film-shaped toner onto a polyethylene resin-coated substrate sheet cannot produce the presently claimed inner layer (lower toner portions illustrated at 4b in FIG. 3) due to the film characteristics of the *Shibatani* toner. Accordingly, Applicants respectfully submit that *Shibatani* does not inherently teach or disclose the invention of claim 1.

With respect to *JP ‘859*, the reference’s process includes electrophotographically printing sublimable toner images on a plain paper, and then *transferring* the images onto a destination non-woven fabric by heating the printed plain paper to a sublimation temperature of the toner. See the Abstract of *JP ‘859*. Thus, the *JP ‘859* toner is *not* printed on the non-woven fabric by an electrophotographic process and, therefore, does not necessarily possess the characteristics of the presently claimed toner, especially the above highlighted feature. Accordingly, Applicants respectfully submit that *JP ‘859* does not inherently teach or disclose the feature recited in the “wherein” clause of claim 1.

The 35 U.S.C. 102(e) rejection of claim 1 is traversed because *Shibatani* fails to teach or disclose each and every element of the rejected claim, as detailed above.

The 35 U.S.C. 102(e) rejection of claim 5 is traversed for the reason advanced with respect

to claim 1. Claim 5 is also patentable over *Shibatani* because the reference fails to teach or suggest the presently claimed absorbent article.

The 35 U.S.C. 102(e)/35 U.S.C. 103(a) rejections of claims 2-4 are traversed for the reason advanced with respect to claim 1. The rejection of claim 4 is also traversed because the *Shibatani* printed product does not inherently possess the feature presently claimed in claim 4.

The 35 U.S.C. 103(a) rejections of claims 1-5 is traversed because *JP '859* does not fairly teach or suggest all limitations of claim 1, as detailed above. The rejection of claim 4 is also traversed because the *JP '895* printed product does not inherently possess the feature presently claimed in claim 4. Claim 5 is also patentable over *JP '895* because the reference fails to teach or suggest the presently claimed absorbent article.

New independent claim 6 is patentable over both *Shibatani* and *JP '895* because the references fail to disclose, teach or suggest the feature of claim 6 that “said toner has an upper portion deposited around at least one of the fibers defining said upper surface of said fibrous nonwoven sheet, and a lower portion touching at least one of the fibers underlying said surface, said toner extending continuously in a thickness direction of said sheet from said upper portion to said lower portion.” *JP '895* also fails to teach or suggest “a given pattern of toner directly, electrophotographically printed on an upper surface of said sheet” as presently recited in new claim 6.

Claims 7-12 depend from claim 6, and are considered patentable at least for the reason advanced with respect to claim 6. Claims 7-12 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art. For example, as to claims 9-10, the applied references fails to disclose, teach or suggest that said upper portion and said lower portion together extend in the thickness direction of said sheet a distance that is 10 μm or larger but less than a thickness of said nonwoven sheet.” See also the

discussion regarding claim 4. As to claims 11-12, *Shibatani* clearly fails to disclose, teach or suggest that the upper portion of said toner is in direct physical contact with said at least one of the fibers defining said upper surface. See Fig. 3 of the instant application as well as column 3, lines 30-35, column 4, lines 4-6 and column 8, lines 21-22 of *Shibatani*.

Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP



Randy A. Noranbrock
Registration No. 42,940

for: Benjamin J. Hauptman
Registration No. 29,310

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111 BJH/klb
(703) 518-5499 Facsimile
Date: July 23, 2003